**RCW 13.34.065(7)(a)**

“A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.”

**RCW 13.34.020**

“The legislature declares that the family unit is a fundamental resource of American life which should be nurtured. Toward the continuance of this principle, the legislature declares that the family unit should remain intact unless a child's right to conditions of basic nurture, health, or safety is jeopardized. When the rights of basic nurture, physical and mental health, and safety of the child and the legal rights of the parents are in conflict, the rights and safety of the child should prevail. In making reasonable efforts under this chapter, the child's health and safety shall be the paramount concern. The right of a child to basic nurturing includes the right to a safe, stable, and permanent home and a speedy resolution of any proceeding under this chapter.”

**RCW 13.34.065(4)**

At the original shelter care hearing, “the paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:”

* Shelter care notice of custody and rights
* Whether the child can be safely returned home while the adjudication of the dependency is pending
* Efforts to place the child with a relative
* Services provided to the family to prevent or eliminate the need for removal, including whether housing assistance was provided if the dependency petition or other information alleges that homeless or a lack of suitable housing was a significant factor contributing to removal
* Whether the placement proposed by DCYF is the least disruptive and most family-like setting that meets the needs of the child
* Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement
* If so, the efforts to maintain the child in the school, program, or child care
* Appointment of a GAL/CASA or attorney
* Whether there is a “reason to know” the child is or may be an Indian child
* If so, compliance with ICWA and WICWA, including notifying the child’s tribe
* Whether restraining orders or other orders expelling an allegedly abusive household member from the home of a nonabusive parent will allow the child to safely remain in the home
* Whether orders for examinations, evaluations, or immediate services are needed (reminder: these cannot be ordered unless the parent agrees)
* Parental, sibling, and family visitation

*Keep in mind…*

**E2SHB 1194** (available [here](http://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/House%20Passed%20Legislature/1194-S2.PL.pdf?q=20210420080859)), passed both chambers and awaits the Governor’s signature

Among other things, this bill amends adds a presumption the 30-day shelter care hearing as follows:

**Section 1, subsection (7)(a)(ii)**

“If the court previously ordered that visitation between a parent and child be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary following a continued shelter care order under (a)(i) of this subsection. To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child’s safety and the court shall make a determination as to whether visit supervision or monitoring must continue.”